

**MINUTES OF SPECIAL BOARD MEETING
CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT**

Tuesday, March 23, 2021

5:00 P.M.

In accordance with Senate Bill 1031, an Act relating to the Oklahoma Open Meeting Act; amending 25 O.S. 2011, Sections 307.1 and 311, as last amended by Sections 3 and 4, Chapter 3, O.S.L. 2020 (25 O.S. Supp. 2020, Sections 307.1 and 311), which relate to videoconferences and teleconferences and notice; reinstating certain temporary provisions; specifying expiration date of temporary provisions; requiring publication of certain documents or materials; prohibiting modification of method of public meeting under certain circumstances; and declaring an emergency, the Central Oklahoma Master Conservancy District hosted a virtual meeting option for the Special Board Meeting on March 23, 2021 at 5:00 P.M. using the following options:

Teleconference dial in number 1-866-899-4679, access code 568-729-629

Videoconference <https://global.gotomeeting.com/join/568729629>

Board Meeting packet can be found on website: comcd.net

A. Call to Order

President Amanda Nairn called the meeting to Order at 5:00 pm.

Roll Call:

Board Members Present:

President Amanda Nairn (videoconference)

Vice President Casey Hurt (videoconference)

Treasurer Jann Knotts (videoconference)

Secretary Michael Dean (videoconference)

Board Member Roger Frech (videoconference)

Board Member William Janacek (videoconference)

Board Members Absent:

Kevin Anders

Staff Present:

Kyle Arthur, General Manager (office)

Kelley Metcalf, Office Manager (office)

Tim Carr, Operations & Maintenance Supervisor (videoconference)

Dean Couch, Legal Counsel (videoconference)

B. Statement of compliance with Open Meeting Act

Kelley Metcalf, Office Manager, stated the notice of the special board meeting had been posted in compliance with the Open Meeting Act.

C. Introduction of all guests

Mark Roberts, City of Midwest City (videoconference)

Beverly Palmer, City of Del City (teleconference)

Jimmy Robertson II, Electrical Solutions of Oklahoma, Inc (videoconference)

Jimmy Robertson III, Electrical Solutions of Oklahoma, Inc (videoconference)

Geri Wellborn, City of Norman (missed introduction, but arrived @ 5:06 P.M. teleconference)

D. Action: PURSUANT TO 82 OKLA. STATUTES, SECTION 541 (D) (10), THE BOARD OF DIRECTORS SHALL PERFORM OFFICIAL ACTIONS BY RESOLUTION AND ALL OFFICIAL ACTIONS INCLUDING FINAL PASSAGE AND ENACTMENT OF ALL RESOLUTIONS MUST BE APPROVED BY A MAJORITY OF THE BOARD OF DIRECTORS PRESENT, A QUORUM BEING PRESENT, AT A REGULAR OR SPECIAL MEETING.

D.1. Discussion, consideration, and possible vote to approve and award contract with Electrical Solutions of Oklahoma, Inc. for plant backup generator replacement

President Nairn provided an explanation and justification for calling a special meeting. She stated a special meeting was warranted in an effort to get a 10-day head start on the generator replacement project; to have it in place sooner rather than later—particularly with storm season coming.

Kyle Arthur stated the current backup generator is 10 to 20 years old and is only able to run 2 pumps. In an emergency, 6 pumps need to be capable of running. The expense has been earmarked from surplus operating funds and will not be assessed to the cities. The project amount exceeded the \$50,000 threshold, so the District proceeded with competitive bidding process as required by Title 82 Section 569 Oklahoma Statutes. The Statute also requires publication in at least one newspaper of general circulation in the county where the work will be performed once a week for three consecutive weeks. Further, it states that there cannot be less than 14 days between the 1st and last time the ad is to be published. The bid notice was published in the Norman Transcript and in The Journal Record. The notice appeared three consecutive weeks in each publication. A pre-bid mandatory conference was held at the District office on January 25, 2021. The deadline to receive bids was February 5, 2021. Bids were opened on February 8th. There were two bids received, one from (ESO) Electrical Solutions of Oklahoma, Inc. (Midwest City OK), and Texoma Power. (Ardmore OK)

The Statute also speaks to the board letting the contract to the lowest and best bidder. Mr. Arthur requested that Dean Couch investigate the definition of that statement. Although the District is not subject to it, Mr. Couch went to the state Purchasing Act, (OMES), for guidance. There are instructions for things such as lowest and best bid. The best can mean, reliability, delivery, implementation schedule, experience, and general attributes of the bid that are beyond simply the price. Mr. Arthur stated that Texoma Power's bid was for a Blue Star 2000 KW generator for \$432,000.00, 2-year warranty, project time 18 weeks, and \$15,000 credit for used generator. ESO turned in one base bid and one alternate bid. The base bid was \$604,485.00 for a Warren Cat 1750 KW generator. Their alternate bid was for 3 Warren Cat, 600 KW each (total 1800 KW) for \$510,214.00, 5-year warranty per unit, project time 13 weeks, and \$35,000.00 credit for used generator. After evaluating and looking at various criteria the District chose ESO's alternate bid. The 3 separate generators created a greater sense of reliability and the Warren Cat (Caterpillar) is a very well-known brand. Mr. Arthur thanked Tim Carr for the hard work he put into this process.

Mr. Arthur asked if there were any questions. Mr. Janacek asked Mr. Arthur if he checked the cost against state contract. Mr. Arthur stated that that was investigated and found that no one with a state contract could do this type of work.

Secretary Michael Dean asked if during the RFP or the pre-bid meeting was the alternate of possibly having multiple engines discussed. Mr. Arthur stated that was not discussed specifically, but it was not restricted. Mr. Dean stated that the other company might be thinking that in general all the District wanted to buy was one engine to meet demand. Mr. Arthur stated they could have been under that impression. Mr. Arthur asked Mr. Couch if he would explain the research he did on this topic. Mr. Couch stated this idea of an alternative bid in a normal public competitive bid contract situation, under Oklahoma State Law, and in his research from other states, is not typically welcomed and therefore may not be considered responsive. However, that said, Mr. Couch looked very carefully at the requirements that the Central Oklahoma Master Conservancy District are under, the state laws here, in light of the fact that the District is not a political subdivision of the state but rather is considered a corporation. Therefore, the District is not specifically governed and bound by the public competitive bidding laws. In looking at other sources he determined more applicable to private contracting situations and to the District, he found information that indicated alternative type bidding—that is, trying to be innovative, trying to provide the best scenario that would accomplish the goals of the entity seeking the bid—was acceptable. Therefore, he concluded, that the evaluation made by Mr. Arthur and COMCD staff of this alternative bid by ESO was appropriate and helpful and should be presented to the board as the recommended bid.

Mr. Dean asked the contractor when the project is complete, in a power failure, will the generator start up automatically. Mr. Robertson responded, yes, it is automatic, all three will come online, just be less loaded if you are just calling for two pumps, one generator runs two pumps, two will run four pumps, and all three will run six pumps. Mr. Robertson also said that Warren-Cat has the option to interface multiple generators which gives the customer the freedom of adding an additional generator to run all eight pumps, if the need ever arises. Additionally, Mr. Dean asked, and Mr. Robertson stated this is a complete install and is turnkey. President Nairn stated ESO will be hauling off the old generator. William Janacek asked what kind of fuel the generator will run on. Mr. Robertson stated diesel.

Mr. Frech asked about any previous experience with running multiple units in series and asked if this something that is novel or standard way of approaching problems like this. Mr. Robertson responded Caterpillar has a track record of running multiple generators in tandem. Mr. Robertson stated that Caterpillar has the research and that he could get that information if anyone desires. Mr. Dean asked if ESO has ever installed such a system. Mr. Robertson stated that they have not installed a tandem generator in the past. Mr. Dean asked if there will be plenty of support from Caterpillar to get installation done properly. Mr. Robertson answered, absolutely, part of the commissioning process will include a full gamut of testing, and a factory Tech will come out and start the generator and perform the fine tuning.

Vice President Hurt added that in his experience with extremely large generator set-ups, Caterpillar in tandem is used. Mr. Hurt stated for maintenance you can cycle one generator while keeping some amount of pumping going. Mr. Hurt stated it is a much better solution to go with multiple generators.

Roger Frech made a motion seconded by Casey Hurt to approve the contract and corresponding Resolution with Electrical Solutions of Oklahoma, Inc.

Roll call vote:

President Amanda Nairn	Yes
Vice President Casey Hurt	Yes

Treasurer Jann Knotts	Yes
Secretary Michael Dean	Yes
Member William Janacek	Yes
Member Roger Frech	Yes
Member Kevin Anders	Absent

Motion Passed

President Nairn announced the April 1, 2021 meeting has been cancelled. The May meeting will be held in Norman due to the OU students presenting their final project to the Board. Mr. Dean asked if amended meeting schedules were getting updated and posted appropriately. Office Manager, Kelley Metcalf stated yes that was occurring.

There being no further business, President Nairn adjourned the meeting at 5:27 P.M.